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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,835	05/10/2001	William Ray Cooley	P0367	6454
23735	7590	05/01/2006	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			HA, LEYNNA A	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/853,835	<b>Applicant(s)</b> COOLEY ET AL.	
	<b>Examiner</b> LEYNNA T. HA	<b>Art Unit</b> 2135	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-13, 17-27 and 29-42.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: claims 1-27 and 39-42 remains rejected over Venkatesan, et al. and claims 26-27 and 29-37 remains rejected over Moskowitz, et al.

claims 1 and 39: Applicant merely points to sections of Venkatesan failing to teach applicant's claimed invention. However, applicant did particularly explain these allegations. Thus, with the arguments merely stating that col.5, lines 26-27, col.27, lines 55-58, col.29, lines 52-56 does not disclose the limitation of claim 39, the examiner traverses that Venkatesan does teach the claimed invention. The claimed limitation broadly states the pointer comprising information to access a website. This limitation does not indicate where the pointer is from or where it is contained. Applicant's pointer merely is associated with identifying data that comprises information to access a website. A pointer shows where the information is to access a website. So respective to applicant's pointer has no merit in to where the pointer is contained such as in the protected object or via the object of Venkatesan.

Venkatesan discloses the watermark keys defines a starting location in a protected object (a pointer to a location in that object) is the pointer that comprises information to access a website where in order to use that object the user transacts through the Internet with publisher's web server (col.5, lines 23-36 and col.6, lines 22-25). The pointer is the watermark keys that defines the starting location that points either in time, space, or frequency of the watermark (object) where the starting location (pointer) is associated to the object of identifying data and includes the information to access a website (col.5, lines 65-67). If the object contains a watermark (information to access) appearing at a location specified by the enforcer's watermark key, a client operating system accesses a license database to determine whether a signed license made to the enforcer and linked via the publisher's cryptographic signature to this protected object resides in the database (col.5, lines 40-45). Venkatesan further discusses that the Watermark Authority (WA) embeds the watermarks each beginning in a starting location determined by a corresponding different one of the secret keys, throughout the object in order to yield the watermarked object (col.5, line 65-col.6, line 1). The parameter in the licence must match to the one in the watermark detected in the object (col.5, lines 46-50 and col.15, lines 56-58). Therefore, Venkatesan does teach the pointer associated with identifying data, the pointer comprising information to access a website.

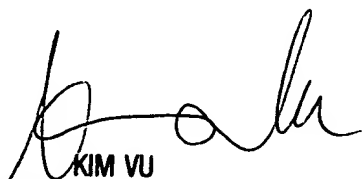
Claims 17 and 19: Venkatesan teaches the verification key process wherein discuss the encryption of the fingerprinted watermarked copy that contains set of different watermark keys are created by applying random value to a cryptographically secure pseudo-random number generator where each resulting number will be a different watermark key (col.14, lines 10-20 and 27, lines 1-14).

Claim 21: The keys are created by applying random value where each key is different for security reasons but each key must inherently correspond or match to its respective stored key in the verification end to determine if that key is able to gain access (col.11, lines 41-46).

Claim 22: Venkatesan discloses the central server identifies a corresponding URL with the extracted watermark identifier (col.13, lines 57-58). Once the watermark is obtained that contains the information that on an appropriate hyperlink for that object and depicted in a web page provided by the web server, the watermark key transacts through the Internet and links and publisher through its web site (col.14, lines 26-35).

Claim 26: Moskowitz discloses the watermark contains information pertaining to geographical or electronic distribution restrictions where this reads on the URL or web address (col.9, lines 29-31). Moskowitz shows there are restrictions to certain sales of contents to certain persons connected to an online distribution site from a certain set of internet domain names and that a watermark might contain one or more URLs. Therefore, Moskowitz teaches a watermark that has various fields such as identification information and a pointer that contains one or more URLs (col.9, lines 2-15 and 33-46).

The amendment will not be entered because if it is entered, the examiner has to re-addressed all the limitations in claim 17. Applicant's remark discusses the amended limitation "data structure is queried to determine whether a verification key is authorized" for traversing the citation in Venkatesan, which is definitely not simplifying the issues for appeal.

  
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